

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIVE BRANDS HOLDINGS, LLC,

Plaintiff,

-against-

GRUPO GASTRONÓMICO GRACIAS A
DIOS S de RL de CV, XAIME NIEMBRO
ALVAREZ, PABLO LOPEZ VARGAS,
JOSE ENRIQUE JIMENEZ BARCENAS,
and OSCAR HERNANDEZ SANTIAGO,

Defendants.

Case No. 1:20-cv-1213 (AS)

STIPULATION OF FACTS FOR TRIAL

IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel of record, that the following facts are deemed established.

- Defendant, Grupo Gastronómico Gracias a Dios, S de RL de CV is a corporation formed and existing under the laws of the country of Mexico with its principal place of business located in Mexico.
- Plaintiff, Live Brands Holdings, LLC is a limited liability company formed and existing under the laws of the state of Florida, with its principal place of business in Florida.
- GAD produces, and owns registered trademark rights in, certain brands of mezcal alcoholic spirits.
- On or about June 26, 2015, DSWS and GAD entered into an Import and Distribution Agreement pursuant to which DSWS would operate as GAD's importer and distributor.

- Under the Import and Distribution Agreement, DSWS was required to make payment to GAD for the products DSWS imported and distributed.
- DSWS and GAD entered into a Memorandum of Understanding (“MOU”), a true and correct copy of which bears the Bates stamp designation LIVE BRANDS 000018-25.
- No one at GAD was ever told whether GAD Spirits was formed.
- The “Definitive Agreements” described in the MOU were never finalized.

TRENAM LAW

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